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ABSTRACT

Considerations regarding the establishment of a code of ethics for academics are discussed. All professions, not just academicians, are being asked to specify what it is that they contribute to society and to demonstrate that they are contributing it and not just satisfying their own interests. A code explicitly delimits the responsibility and involvement of a professional. It is suggested that a code of ethics must legitimate the interests of academics by showing, at the least, that good academic practice is auditable, serves society at large, and avoids conflicts of interest. Academic practice must be shown to be instructionally effective and evaluatively responsible. There must be differentiation among specializations and competencies which are certifiable. The code of ethics must deal with the relationship among academic specializations, and their several interests. The code must be specific and enforceable. A quasi-governmental agency providing for the representation of the academic professions is needed to regulate academic practice, including auditing performance, policing deviance from standards, and hearing complaints of malpractice. A 1966 statement on professional ethics endorsed by the American Association of University Professors is appended. (SW)

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Toward A Code of Ethics for Academics

Academicians are showing an interest in the norms of their profession at the same time that voices speaking for the public interest are calling them to accountability (e.g., J. Wesley Miller in the January, 1979, issue of the AAHE Bulletin). We are discovering that we are not clear about what it means to be a professional academic. Academics only loosely, if at all, adhere to the ancient convention that a profession is defined by an organized association with membership requirements and a published statement of ethics. Yet, academicians do insist that they have professional prerogatives, status and responsibilities. It is time for us to get our house in order.

From Vow to Code

The original "profession," one to which all academics at one time belonged, was the clerical profession. Before 1500 one made a profession by taking religious vows. The key requirement for membership in a monastic order was ethical -- to be bound by vows of poverty, chastity, stability and obedience, especially obedience. All codifications of expected behavior followed from these open-ended, self-imposed, obligations. One was to give up all self-interest to the glory of God and the promotion of salvation. Thereby the monastery became a center of value regardless of the society around it. The monastic profession could be ignored, emulated or co-opted -- in fact all three happened -- but it

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was not first of all designed to serve the public interest.

The implied vow of the traditional academic professional — a "Professor" — showed a monastic character. A traditional academic professional was dedicated to the preservation, re-combination and development of knowledge, in devotion to the truth, especially truth. All codifications of expected behavior followed from this open-ended, self-imposed, obligation. One was to give up all self-interest to the glory of truth and the promotion of knowledge. Thereby the University became a center of value regardless of the society around it. The academic profession— could be laughed at, honored or co-opted -- in fact all three happened — but it was not first of all designed to serve the public interest.

For the traditional academic professional, the promotion of knowledge in devotion to truth was essentially interpersonal. Books may preserve and transmit knowledge, but only people know how, know what, and know why. True knowledge is inseparable from the faithful relationship between a true teacher and a true pupil. Truth is discovered and advanced through personal commentary and communal disputation. An author becomes an authority when others recognize that what he said on his own authority bears the ring of truth.

This ancient view of the ethical definition of the traditional academic "professor" is echoed in the (1966) AAUP Statement on Professional Ethics.[1]

> I. The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him....to seek and to state the turth as he sees it.
>
> II. As a teacher, the professor encourages the...

pursuit of learning in his students.

III. As a colleague, the professor has obligations that derive from common membership in the community of scholars.

Yet, the AAUP Statement also shows a shift from the traditional function of a professional vow. First, it is presented "in terms of the ideal" rather than as an obligation requisite for membership in the academic profession. Indeed, the "Introduction" explicitly denies that there are membership requirements for the profession other than those maintained in the several institutions of higher learning. The door has been opened to define a professional academic by the source and status of his economic support — employment in an institution of higher education.

Second, the promotion of knowledge in general and truth above all is transformed into an expectation that the professional academic will develop and improve his scholarly competence, maintain the standards of his discipline, and observe his responsibilities to his subject. Apparently, he can show his professionalism merely by demonstrating competence within the conventions of an academic discipline. Incidentally, this specialized competence gains additional professional sanction by being the requirement for membership in a "professional organization" like the APA - whether "American Psychological Association" or "American Philosophical Association."

Third, the chief interest of the professional academic is "freedom of inquiry." In order to secure that interest, he must encourage the "free pursuit of learning in his students" and protect their "academic freedom," defend the "free inquiry of his associates," insist that

the regulations of his institution "not contravene academic freedom," "promote conditions of free inquiry," and "further public understanding of academic freedom." Interest in freedom of inquiry looms very large! A conviction regarding the worth of knowledge (mentioned once) has, to all practical purposes, been replaced by an interest in freedom of inquiry (referred to seven times in five short paragraphs).

On analysis, the AAUP Statement suggests that a self-imposed vow to promote knowledge in devotion to truth is no longer operating as the normative definition of the academic profession. Rather, professional academics are bound together by a shared interest in freedom of inquiry, sub-specialization into disciplines, and their economic position. Their purpose is not so much to glorify truth and promote knowledge as to receive economic support, advance their several specialties and satisfy their interests.

This should not be especially surprising. What we mean by a professional these days is one who is paid to practice a special competence, thereby realizing his own interests. The only problem is, he must also justify his interests and competencies in terms of the interests of those who pay him. The term for this is "service to society."

What we have noticed is part of a general shift in what it means to be a "professional." These days one does not become a professional by "making a profession," but by being paid to exercise a special competence, thereby satisfying one's own interest in the public interest. Of course, this means that a profession must justify itself by its contribution to the interests of those <u>outside</u> the profession -- they pay the bills. Nowhere is this more evident than in the direction of research efforts by sources of grant funds. As Alvin M. Weinberg pointed

out in his (1963) widely reprinted "Criteria for Scientific Choice":

> Society does not a priori owe the scientist, even the good scientist, support any more than it owes the artist or the writer or the musician support. Science must seek its support from society on grounds other than that the science is carried out competently and that it is ready for exploitation; scientists cannot expect society to support science because scientists find it an enchanting diversion. Thus, in seeking justification for the support of science, we are led inevitably to consider external criteria for the validity of science -- criteria external to science, or to a given field of science.

We may not be happy about this turn of events, but all academicians, not just scientists, are stuck with it. We live in a society which defines value in economic terms, depends on specialized competencies, and assumes that pursuing self-interest is the justification of all practice. The old vow of devotion to the truth, has been, for practical purposes, translated into devotion to a competence valued by society - e.g. winning football, putting a man on the moon, providing high speed information storage and retrieval, or creating skilled knowledge workers.

However much an academician may be interested in freedom of inquiry, this freedom is not self-authenticating. It may at one time have been justified because it served devotion to truth. It is not so justified today. Reporting for the AAAS Committee on Scientific Freedom and

Responsibility, John T. Edsall puts the situation succinctly, "Scientific freedom, like academic freedom is an acquired right, generally accepted by society as necessary for the advancement of knowledge from which society may benefit." (Science, 188 [16 May 1975], pp. 687-88, italics mine). No benefit, no right.

All professions, not just academicians, are being asked to specify what it is that they contribute to society. And demonstrate that they are contributing it -- not just satisfying their own interests. If this is not done by members of the profession it will be imposed externally (e.g. by legislation or malpractice suits) or developed through explicit negotiations involving the interests of professionals and the interests of employers (e.g. in union contracts). In the process, the old open-ended obligation to realize a value becomes codified in minimum standards of good practice. While the performance of a vow has no practical limits, a code explicitly delimits the responsibility and involvement of a professional. While certification of the fulfillment of a vow can be left to the consciences of those who made it, meeting the requirements of a code must be auditable by an independent party. Like a manufacturers "limited warranty," a code is a guarantee of minimally adequate service and results.

We are now in a position to see why codes of ethics have come into vogue. The need for an academic code of ethics is the result of what Robert Nisbet called The Degradation of the Academic Dogma (Basic Books, 1971). However much we may regret this turn of events, and I do,[2] it behooves us to develop the best code of ethics we can. If we do not, a code of ethics will be imposed upon us.

Provisos to be Included

So much for prolegomena. Now, what provisos must be included in any adequate Code of Ethics for Professional Academics?

1. Audiability

As one function of a Code of Ethics is to specify the responsibility and efficacy of academic practice, the Code must provide for ways of auditing results. For instance, if an academic is supposed to preserve and advance knowledge, then the Code must specify what counts as doing this.

Experience with GSA and other audits of social service functions suggests that this audit is liable to be of quantifiable procedures rather than effective results. For instance, it is relatively easy to audit the member of student contact hours a professor has: simply count the students in each of his classes and multiply by the hours each class meets. However, this is in no way a direct audit of whether his students learn anything.

Likewise, it is relatively easy to count the number of publications in "refereed" journals, or to make citation counts. Hence one is tempted to use such criteria for an audit of "research productivity" (the present scientized term for "advancing knowledge"). But, consider the following imaginary situation: 200 academicians constitute the primary practitioners in an academic sub-specialty. They are expected to publish one article a year in a "selective" professional journal (defined as a journal which does not publish more than one out of every five articles submitted to it). There are 10 journals in their field, each publishing 20 articles a year. Each of the 200 academicians

submits one article a year to each of the ten journals, seriatim. Once a month, each journal randomly selects one out of every five submitted articles for publication. The other nine are promptly returned so that the author may resubmit to another journal. On average, at the end of the year all 200 academicians will have published one article in a selective journal -- and this can be so audited. Citation counts can be similarly rigged by a group of people who find that it is in their interest to be cited -- so, they cite each other.

Lest anyone think these illustrations are frivolous, I suggest he investigate measures of "productivity" now being used in faculty personnel decisions and being bought in on by academicians starting n- journals and paying page or other charges to quasi-vanity presses. In the old days one might have bragged on the achievement of one's students twenty years later, or the demand for a second edition of one's book after ten years. But that will hardly do any more. A generation has already entered academia since the Philosophy Department at the University of Nebraska, recommended O. K. Bouwsma for promotion, only to find the promotion blocked because Bouwsma had not published the required number of pages. Would any contemporary professional academic understand Bouwsma's cavalier rejection of the suggestion that he whip out a little something for prompt publication?

There we have the problem. If it is to be meaningful, the Code of Academic Ethics must be auditable. To be significant, the audit should be of performance rather than, pro forma, of procedures. But how does one measure effective performance in a way which will satisfy a disinterested party? The notion of using a jury of one's peers will not do, they will be suspected of scratching each other's backs. Until we

can specify something better, we are going to find performance trivialized into procedural standards of "credit hour generation," "office hour maintenace," "competency test results," and "publication productivity."

2. Service to Society

The primary reason for developing a Code of Ethics is to demonstrate that the competencies in which academicians are interested are of value to the society at large, and hence should be promoted and conserved. Therefore, the Code must specify what that service is. Further, this specification must be in terms of the interests of those who are not academicians.

In our society, the most obvious general interest is economics. And, indeed, public justifications of academic practice since the World War II have been largely in terms of indirect economic contributions — e.g. agricultural productivity resulting from the "green revolution," and higher incomes for college graduates. Academicians do not contribute directly to primary economic productivity -- they are not farmers nor manufacturers of goods. Rather, academicians seem to be in a service industry -- providing an indirect economic contribution by providing the techniques and skills which increase productivity in the primary economic institutions, and hence the generation of a larger gross national product.

Recently there have been challenges to this justification. Do college graduates actually earn more over their lifetime because they are college graduates? Or can we only say that they have been kept off the labor market for a few years, thereby reducing unemployment? Is

academic research the most effective way of solving practical problems -- whether of productivity or social service? Or can we only say that academic research is no worse at dealing with practical problems than research institutes devoted to those problems?

Responses to these challenges have largely continued to accept an economic justification for academic practice. For instance, Stephen Toulmin, in "The Complexity of Scientific Choice, II: Culture, Overheads or Tertiary Industry" (Minerva, IV, 2 [Winter 1966], pp. 155-169), suggests that funding for scientific research (or any purely academic exercise?) in the future could be justified by pointing out that it keeps a group of people off the streets, happily doing something they enjoy, while keeping money circulating -- as a "tertiary industry," of which we now have several ranging from prisons to museums.

But even if academics take the high road, and claim that the value they maintain for society is "the pursuit of truth," it can only be window dressing in a Code of Ethics unless society at large wants the truth. The notion of enjoying freedom of inquiry will not do, for that is just the sort of thing one only gets interested in defending if one is an academician. So, it seems, until we can specify something better the Code of Academic Ethics is going to need to include a proviso for "producing skilled workers" and "public service through the solution of social and economic problems." Expertise can and will be respected where the expert produces desired results.

3. Avoiding Conflicts of Interest

A central function of the entire Code must be the legitimation of the special interests of academics by showing that they provide

substantial contributions to the general interest. Hence, there must be a concern at every point in the Code to legitimate the special interests of academics. The opposite side of the same coin is that the Code must exclude possible conflicts of interest.

Academics have hardly begun to consider the potential conflicts in being both instructor and evaluator of the same students, producers and promoters of the same research, employees and employers of the same consultants. The current flap over the impact of the Federal Ethics in Government Act, scheduled to go into effect July 1, 1979, is but the tip of the iceberg. This law specifies that, for two years after leaving office, high ranking former bureaucrats may not have any significant contact with their former agencies. But, those under the gun protest, this would make life impossible for an academic who having served in, say, NIH, NSF or HEW, returns to an academic situation which depends on NIH, NSF, or HEW support. If he, even informally, assists someone in a research grant funded by his old agency, he is subject to a maximum of two years in prison and a $10,000 fine and his new employer can be blacklisted from further dealings with the government. They that lived by the grant shall perish by the grant!

The alternative to heavy handed public regulation would be a Code of Academic Ethics which includes provisos differentiating academic functions and specifying the relations among them in such a way as to avoid any taint of collusion which could denigrate the effective performance (and hence legitimacy) of a desired function. And this must apply not merely to the funding and regulation of research (e.g. tobacco studies and DNA research), but every step along the way -- instruction, evaluation, differentiation of specializations, definition of technical

competence, relationship among specializations, consulting, multiple employers, etc.

Stipulating conflicts of interest which must be avoided will not be easy. For instance, much research is funded by those (e.g. the Cancer Society) who have an interest in the specific results. Should such funding be excluded? Should there be a requirement that research be funded by both proponents and opponents (e.g. the Tobacco Foundation and the Cancer Society), in order to avoid economic influence on results? But would that result in charges of "double dipping"? And, after all, isn't the general interest no more than the sum of special interests? If so, would it not be enough to show that academic interests are not the only interests being served in research? But what would this do to purely theoretical research?

Instances of potential conflict of economic interest clearly abound. Consider just one more. Should a professor be allowed to assign texts and other materials for which he receives royalties? If they are the best available -- and surely he would not produce less than the best — why not? But what if he produced them under a guarantee that he could provide the market — thereby increasing his income, his publication list, his publisher's income and the reputation of his department? Is society well served this way? Is the truth?

Unless we can do better, any Code of Academic Ethics will need to include clauses which specify that "no academician shall realize any direct economic benefit from the results of his research or publication." Avoidance of conflicts of economic interest can be used to assure the legitimacy of academic interests in research and publication. The custom that publication is more prestigious if it is published in a

journal which does not pay royalties will be reinforced. At the same time, what Edward E. David, Jr., calls the "Industrial Connection" for research and development will become more difficult to sustain for academics (Science, CCIII [2 March 1979], pp. 837-840). Are these consequences desirable?

4. Efficacy of Instruction

Old line academic professionals were devoted to preserving and promoting a tradition of learning. Today this has become a public insistence on effective teaching. The Code must, then, provide for effective teaching.

We have already noticed how this can be attempted through an audit of teaching procedures -- like student contact hours. More will be needed. Popularity, defined by enrollment, can be cited as evidence of student satisfaction and social impact. On the other hand, level of difficulty and student reports of intellectual stimulation can be cited as measures of instructional effectiveness. Apart from an assessment of the many interested and the few challenged, the instructional "delivery system" can be audited for clarity, organization, and stimulation -- by reviewing syllabi, text material and video-tapes of class performance.

Before the Code gets locked into insisting on "scintillating, clear and challenging" teaching behavior, we would do well to remember that instruction is supposed to result in learning. Must the Code, then, specify that the performance of teachers is to be measured by the resultant competencies of students? But, then, it will have to take into account the abilities of specific students, the level of competence at which they began, their motivation, and environmental

factors which reinforce or inhibit the development and retention of a competence. And, of course, the goals of teaching will have to be carefully specified in terms of competencies. If they are not, how would one know whether the teaching had been effective?

Unless we can do better, our Code of Academic Ethics will need to provide for "goal directed, diligent and attractive teaching which produces measurable learning." But even as we worry about whether this amounts to the trivialization of higher education, we will also have to face another problem -- how is this to be done without a conflict of interest between instruction and evaluation?

5. Reliable Evaluation

The public expects academics to be effective teachers. They are also expected to provide reliable evaluations of significant learning. The two functions are not identical. Academics have allowed them to become confused, because instruction and evaluation have become confused with each other. This goes so far as to make the "grade" a function of docile cooperation with instructional procedures.

Consider the two forms of conflict of interest this engenders. First, it is in the interest of the instructor to show that he is an effective teacher. A favorable evaluation of his students gives evidence that they have been well taught. Why should the instructor-evaluator be self-condemned by not making a favorable evaluation? "Look how well my students did (translation: "look how effective my teaching is"), over half got A's!"

Second, it is in the interest of instructors to attract students who will pay tuition and generate credit hours. It is in the interest

of students to be evaluated favorably, and thereby get degrees, jobs and admission to professional schools. What could be more natural than collusion between students and instructor-evaluators? The word gets out -- take professor A, or go to college Z, and get good grades. I know of a student who told a professor, "I know what you are trying to do. You want us to learn something. I did not come to this college to learn anything, but to get a degree as easily and quickly as possible. I need that degree to get the job I want, which I am already competent to do. What are you trying to do to me?" Is it in the public interest for the professor to satisfy the student's interest in a good grade?

Grade inflation and the national scandal of illiteracy cannot be separated from the conflict of interest built into giving responsibility for instruction and evaluation to the same people. The ancient tradition requiring a public defense of a thesis was one way of assuring the adequacy of evaluation by making it independent of instruction. The use of outside examiners is a more recent ploy. What do we have to offer today?

Law schools teach for the bar exam. Accounting programs are geared to the CPA exam. There may be limits to the efficacy of examinations, but until we can do better, it will be necessary for the Code of Academic Ethics to specify a separation of function and interest between instruction and evaluation. This means there will need to be clauses like, "Evaluation of learning shall be performed by those who have no vested interest in the certification of competence."

6. Differentiation among Specializations

Modern professionalization is driven by the modern development of discrete specialized competencies. Those who possess each specialized competency are interested in defending their own turf. In addition, those who defend their own specialty are joined by those who, in the public interest, do not wish to have the competency of specialists diluted. As a result, it becomes desirable to establish clear lines of demarcation between specialties. The ethical specialist restricts his professional practice to his specialization.

The two culture split is now old hat. An historian is not a psychologist, except, heaven help us, when he tries to do psycho-history. Bio-chemists, borrowing from both biology and chemistry, must either establish a new turf — bio-chemistry — or fight among themselves over whether a bio-chemist is "really" a biologist or a chemist, depending on the turf with which one identifies. And what of the poor philosopher? In the good old days most everybody was a philosopher — whether "natural" or "moral." Today philosophers can only talk to themselves — and then only within philosophical schools. Of course, there are still some self-proclaimed "philosophers," but they are either tired old windbags or trivial popularizers.

So it goes. Academics are differentiated by discipline and by function. The clinical psychologists are now organizing their own association as differentiated from research psychologists. As we have already noted, instruction is different from evaluation. But then, administration is not scholarship, and advising is neither a scholarly function nor an administrative function.

The upshot of all this is that the coming Code will have to

immediately follow. It must, at least, be from an "accredited graduate school." There are liable to be further considerations. For instance, is it a "good" degree, as measured by the relative standing of the graduate department according to some criteria used in some comprehensive study?

There is the problem of demonstrating that the professional's competence is "up to date." So far academicians have not confronted the issue of re-certification head on. However, charges of "deadwood" among tenured faculty members are beginning to push the issue. To this point, an expectation of continued publication in "prestigious" journals in one's field has been the most widespread criteria for certifying continuing competence. Will it be necessary for the Code to specify this expectation of "good practice," or will there be some more bureaucratic way of re-credentialling, such as that now required of teachers in the lower schools?

Finally, the issue of certifying professional competence may be the point over which the notion that there is a single academic profession, with a single Code of Ethics, may break down. Already many academicians identify themselves as professional physicists or philosophers, economists or musicians, historians or literary critics, rather than educators or academicians. If a general Code of Ethics for Academicians specifies that one must have credentials in a specialty, and only practice that specialty, then it will be but a short step toward narrowing the Code to standards of performance particularly germaine to that specialty.

Unless we can do better, we can expect a Code of Academic Ethics to include clauses like, "An academician can only teach, carry on research,

establish a means of differentiating among specializations and provide canons limiting practice within specializations. Unless we can do better, we will find ourselves declaring that "it is unethical to teach outside of one's field," "academicians have no responsibility for general education, the mix of special courses which will be called general education being left to inter-specialty log rolling, or professional administrators," and "no subject matter specialist is to have a voice in admissions or advising, nor advising and admissions specialists in subject matter definition."

7. Certification of Professional Competence

Of course, differentiation among competencies does not guarantee that those who hold a particular turf are competent to do what they claim to do. As a result, some certification of professional competence comes to be expected. For academicians, this certification is usually assumed to be a matter of credentials, preferably a doctoral degree.

But simply having a doctorate is not enough, it must be in the right field. Some fifteen years ago a historian on a faculty appointment committee objected to a candidate for appointment in psychology on the prima facie grounds that his degree was in education because he held an Ed.D. A Ph.D. would be acceptable. The philosopher on the committee wryly commented that, as he was a philosopher, he was the only person on the (all Ph.D.) committee who "had a degree in his own field." The point of that comment is now being mooted by those who are supporting the mutiplication of doctoral credentials.

Requiring a piece of paper which says a person holds a doctorate is only the beginning. Questions of the quality of the credential

consult, or otherwise officially practice a competence for which he holds the appropriate credentials," and, "Ethical practice requires that, at least once every five years, a professional will have demonstrated his current competence by publishing in at least one refereed journal in his field, and/or by re-examination." Participation in summer institutes or seminars may also be required, as an auditable continuing education procedure.

8. Relationship among Specializations

Whether or not the academic profession breaks apart into multiple professional specializations, the Code(s) of Ethics must deal with the relationship among academic specializations, and their several interests. Evaluation must be coordinated with teaching. Both must be coordinated to social expectations through a registration system. Referral points must be provided for academic advising, psychological counseling, vocational guidance and admission to academic programs. Each separate function being the province of a separate professional competence, while all functions are intended to serve the same student-client (or social need), canons of good practice will specify routings between specializations.

Mission oriented research, and problems of defining effective general education, will require a comparable articulation of relationships among academic fields. Good practice will, at least, require identification of the circumstances which require consultation -- when the physicist is expected to call in the engineer, the engineer the ethicist, the ethicist the economist, the economist the political scientist, the political scientist the anthropologist, etc., etc.

Alternatively, the Code may specify that the relationship among disciplines is a matter for administrative judgment — academic administration itself not being one of the academic fields needing coordination. Then the cultural responsibility for general education will have a locus, and mission oriented effectiveness will not be clouded by disciplinary rivalries. Both will be the responsibility of professional administrators. If administration is accepted as the ethical means for ajudicating relationships among specializations, then the coming Code of Academic Ethics will need to contain a clause something like: "The overall content and structure of general education, and the relative importance of disciplines in mission oriented research, shall be the sole prerogative of professional administrators."

9. Specificity in Elaboration

As should now be evident, the job of legitimating academic practice in terms of the public interest, while checking against potential conflicts of interest, will require almost indefinite elaboration. The Code must specify what can be done and what cannot be done, what is to be expected and what cannot be expected. Vague terms like "accepted standards of good conduct," "competent performance of duties," and the like, will not do. Indeed, the problem will be where to stop -- as this paper, itself, shows.

What we have encountered is a varient on an observation made by Plato in the Republic, Book IV. Spelling out regulations and requirements can and should be avoided when we can presume that experts do not act in their own interest, but in the best exercise of their competence. However, the common presumption is that people tend to act in their own

interests. Only proper education and discipline can check against this tendency. When the educators, themselves, act in their own interests, and encourage others so to do, a democracy of competing interests results. That is where we are.

The guiding principle of liberal democracy is that everybody is expected, nay, ought to act in his own immediate interest — to fulfill his own desires. Private interests are coordinated through the political processes of a social contract. The contract is specified in legislative acts and judicial rulings by which we hope to gain a modicum of our own interests and be protected from infringement upon those interests by others. The elaboration of this contract is never-ending.

Formulating a Code of Ethics is the way by which academics specify their place in the general social contract. As is true of all contractual instruments, it will have to contain clauses covering its range of application and providing means for amendment. The Code will need provisos like: "This Code is strictly limited. No warranty of performance beyond that specifically provided herein is implied nor given. Any practice not specifically prohibited herein is permitted." And, "Further specification of expected performance and excluded practice shall be made by mutual agreement, or third party arbitration, when unforeseen conflicts of expectation or interest arise."

10. Enforcement

Finally, a Code is but a pious fraud if it is unenforceable. There must be some form of due process for the resolution of disputes. And there must be the possibility of appeal to an authority outside of the profession which can assure that the public interest is, finally,

served. As the AAAS Committee on Scientific Freedom and Responsibility observed, "When a professional society does fight for the rights of its members, it is more likely to be concerned with defending their status and pay than to be acting primarily on behalf of the public interest as its primary motive." (Science, Vol. 188 [16 May 1975], p. 691). This should not be surprising. The whole reason a Code of Ethics is needed is because professionals are presumed to act in their own interest in the exercise of competencies which are justified by being in the public interest. It follows that a professional group will tend to protect its own members and claim that everything they do is in the public interest.

The most rudimentary form of enforcement is public opinion. Professions depend on public confidence. A Code of Ethics is a way of advertising the proper scope of that confidence, and thereby legitimating it. News reports of violations of the professions own Code will erode public confidence. In these circumstances it behooves members of a profession to police their own membership, or at least keep violations of their Code out of the press. Here the 1974 Summerlin affair at Sloan-Kettering is instructive. Summerlin's falsification of data was specifically withheld from the press until the New York Post smelled it out almost a month later. Massive attempts to prove that there had been no damage to the integrity of Sloan-Kettering immediately followed. At all cost, Slaon-Kettering had to show that it was still worthy of public trust and could continue to produce the results expected by those who paid the bills.

However, a public relations office will not be an adequate mode of enforcement for the coming Code of Academic Ethics. Our political

system, built as it is on checks and balances, requires more specific instrumentalities of ajudication and enforcement. Once a Code of Ethics is promulgated and agreed to, it can be used as the basis for malpractice suits in the courts. The Code is an implied contract, violation of which is judiciable.

Willy, nilly, the coming Code will lead to the multiplication of court actions unless provision is made for a regulatory body. Probably this regulatory body will be a quasi-governmental agency providing for representation from within the academic professions. And, of course, this regulatory body will have to have an independent staff. So, the coming Code will need a specific clause to some such effect as: "There shall be a Commission on Good Academic Practice which shall be appointed by the President of the United States, upon the concurrence of the Senate, with the authority to regulate academic practice, including auditing performance, policing deviance from standards and hearing complaints of malpractice."

Conclusion

There you have my advice concerning the provisos which need to be included in a Code of Ethics for Academics. It is not necessarily a pretty picture. Developing a Code is fraught with conflict, frustration and danger. In fact, I wish we could avoid the whole business. But, as things stand, we cannot. We live in a society in which we are expected to act in our own interest. In the interest of preserving -- or establishing -- our professional status we must get on with the business of specifying our Code of Professional Ethics. If I am right, this Code must legitimate the interests of academics by showing, at

least, that good academic practice is:

A. 1) Auditable, 2) Serves society at large, and 3) Avoids conflicts of interest;

B. 4) Instructionally effective and 5) Evaluatively responsible;

C. 6) Differentiated according to discrete specializations, 7) Competencies within which are certified, and the 8) Relationships among which are specified;

All of this must be done in a Code which is:

D. 9) Specific and 10) Enforceable.

If you do not like the specifics here proposed, improve on them. If you do not like the direction in which a Code takes us, develop an alternative. But the issue cannot be avoided. A profession is as good as its ethics. It is high time for academics to get their ethics in order.

Footnotes

[1]The full text of the (1966) Statement on Professional Ethics as endorsed by the Fifty-second Annual meeting of the American Association of University Professors (AAUP) is:

Introduction

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to the professor in his utterances as a citizen, in the exercise of his responsibilities to students, and in his conduct when resigning from his institution or when undertaking government-sponsored research. The Statement on Professional Ethics that follows, necessarily presented in terms of the ideal, sets forth those general standards that serve as a reminder of the variety of obligations assumed by all members of the profession. For the purpose of more detailed guidance, the Association, through its Committee B on Professional Ethics, intends to issue from time to time supplemental statements on specific problems.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to assure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should nor-

mally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the General Secretary and Committee B, to counsel with any faculty member or administrator concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of dismissal, the procedures should be in accordance with the 1940 Statement of Principles on Academic Freedom and Tenure and the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings.

The Statement

I. The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him. His primary responsibility to his subjects is to seek and to state the truth as he sees it. To this end he devotes his energies to developing and improving his scholarly competence. He accepts the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. He practices intellectual honesty. Although he may follow subsidiary interests, these interests must never seriously hamper or compromise his freedom of inquiry.

II. As a teacher, the professor encourages the free pursuit of learning in his students. He holds before them the best

scholarly standards of his discipline. He demonstrates respect for the student as an individual, and adheres to his proper role as intellectual guide and counselor. He makes every reasonable effort to foster honest academic conduct and to assure that his evaluation of students reflects their true merit. He respects the confidential nature of the relationship between professor and student. He avoids any exploitation of students for his private advantage and acknowledges significant assistance from them. He protects their academic freedom.

III. As a colleague, the professor has obligations that derive from common membership in the community of scholars. He respects and defends the free inquiry of his associates. In the exchange of criticism and ideas he shows due respect for the opinions of others. He acknowledges his academic debts and strives to be objective in his professional judgment of colleagues. He accepts his share of faculty responsibilities for the governance of his institution.

IV. As a member of his institution, the professor seeks above all to be an effective teacher and scholar. Although he observes the stated regulations of the institution, provided they do not contravene academic freedom, he maintains his right to criticize and seek revision. He determines the amount and character of the work he does outside his institution with due regard to his paramount responsibilities within it. When considering the interruption or termination of his service, he recognizes the effect of his decision upon the program of the institution and gives due notice of his intentions.

V. As a member of his community, the professor has the rights and obligations of any citizen. He measures the urgency of these obligations in the light of his responsibilities to his subject, to his students, to his profession, and to his institution. When he speaks or acts as a private person he avoids creating the impression that he speaks or acts for his college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

[2]See my "Professions, Ethics and Us" and "Academics and Their Profession: Toward an Ethical Clarification," to be published elsewhere. These articles also give a more complete development of the line of argument used up to this point.